IN RE: PETITION FOR RESIDENTIAL * BEFORE THE ZONING VARIANCE 7/S Nicodemus Road, 1780 ft. W * ZONING COMMISSIONER of Berrymans Lane * OF BALTIMORE COUNTY 1020 Nicodemus Road 4th Election District * Case No. 92-148-A 2rd Councilmanic District Robert Linz, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), for their property located in an R.C.4 zone, to permit side yard setbacks of 20 ft. and 30 ft., in lieu of the previously approved variances of 28 ft. and 36 ft. granted by the Deputy Zoning Commissioner on July 1, 1988, to construct an open projection (wrap around deck), as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The file reflects that the Petitioners came before the Deputy Zoning Commissioner in July 1988 requesting variances of 28 ft. and 36 ft. in lieu of the required 50 ft. and that the variances were granted. The Petitioners now seek to construct a deck which will further reduce the side yard setbacks to 20 ft. and 30 ft. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely af-

fect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12 day of 300, 1991 that the Petition for a Zoning Variance from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), for their property located in an R.C. 4 zone, to permit side yard setbacks of 20 ft. and 30 ft., in lieu of the previous variances of 28 ft. and 36 ft. granted by the Deputy Zoning Commissioner on July 1, 1988 to construct side decks, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently reside at 1626 for Coleman, Pd

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Let et reced (resol existing de such since the 1950 15 only see wide A sule set buck variance of zerse is meded in her et the providence variance et 28' & 36' to allow the construction stepped weed side ancks that were your the frest peech & ever deck

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

Ribert Linz and Gallin

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

ZONING DESCRIPTION

As recorded in David Liber E.H.K., JR 5606, FOLLO 838

Beginning at a point on the south Side of Nicodemus Rd. which is Zo feet wide at the distance of 1607 feet South of the centerline, containing .7 acres. also known as 1020 Nicodemus Rd and located in the 4th Election District.

Typical meets and bounds 5 47° 32' 100 ft., 5 42° 28' W. 283.96 ft., N 47°- 32' W. 100A, N 42° 28' E. 283.69 A. to the place of the beginning.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-<u>33</u>53

November 8, 1991

Mr. and Mrs. Robert Linz 1020 Nicodemus Road Reisterstown, Maryland 21136

> RE: Petition for Residential Zoning Variance Case No. 92-148-A

Dear Mr. and Mrs. Linz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Peoples Counsel

92-148-17 CERTIFICATE OF POSTING District 4 T/2 Posted for: Presidential Fanance Petitioner: Robert Time it ut Location of property: 11/5 Mich deminis Road, 1790 Was Bringmana Lane 1020 Micidenuis Road Location of Signer For front of 1630 Piccotte mus Road

	Baltimore County
To the second	Zoning Commisioner
流:	County Office Building
	111 West Chesapeake Avenue
-ig my	Towson, Maryland 21204

14920 1159 THE RESIDENCE WAS LAND TO THE VICE OF THE PARTY OF THE PA Science 2:6ht (ee/kR):18180 to x 425.00 - (817all: 550,00 LAST MARK OF OWNER: 1 NO.

> 04A04#0091HICHRC BA CO11:07AM10-02-91
> Please Make Checks Payable To: Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

the description and plat attached hereto and made a part hereof, petition for a Variance from Sect

Fine Commissione on Tile 1715 to combine a side decks

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: that it proceeds a resting the every entry the Miss of the only the with the state of A cark accounter to a modern to control the

construction or even west sur decks to an the first perch of recorded to the contraction englander to a long of the contraction

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I. or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): (Type or Print Name)

Name, address and phone number of legal owner, contract

purchaser or representative to be contacted.

I/We do solemnly declare and affirm, under the

DROCKED by the Zoning Commissioner of Baltimore County, this $\frac{200}{200}$ day of $\frac{200}{200}$, that the subject matter of this petition be posted on the property on or before the $2c_{1}$ day of c_{1} 19 q_{1}

(ZONING CUTTISSIONER OF BALTIMORE COUNTY

in Room 108, County Office Building in Towson, Baltimore County.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Robert and Gail Linz

1020 Nicodemus Road Reisterstown, MD 21136

Towson, MD 2120+

Contract Purchasers

Ity/State/21p Code

Attorney for Petitioner:

Office of Planning & Zoning

COPY

887 3353

Re: CASE NUMBER: 92-148-A LOCATION: N/S Nicodemus Road, 1780' W of Berrymans Lane 1020 Nicodemus Road 4th Election District - 3rd Councilmani

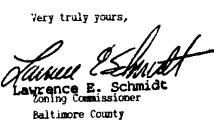
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

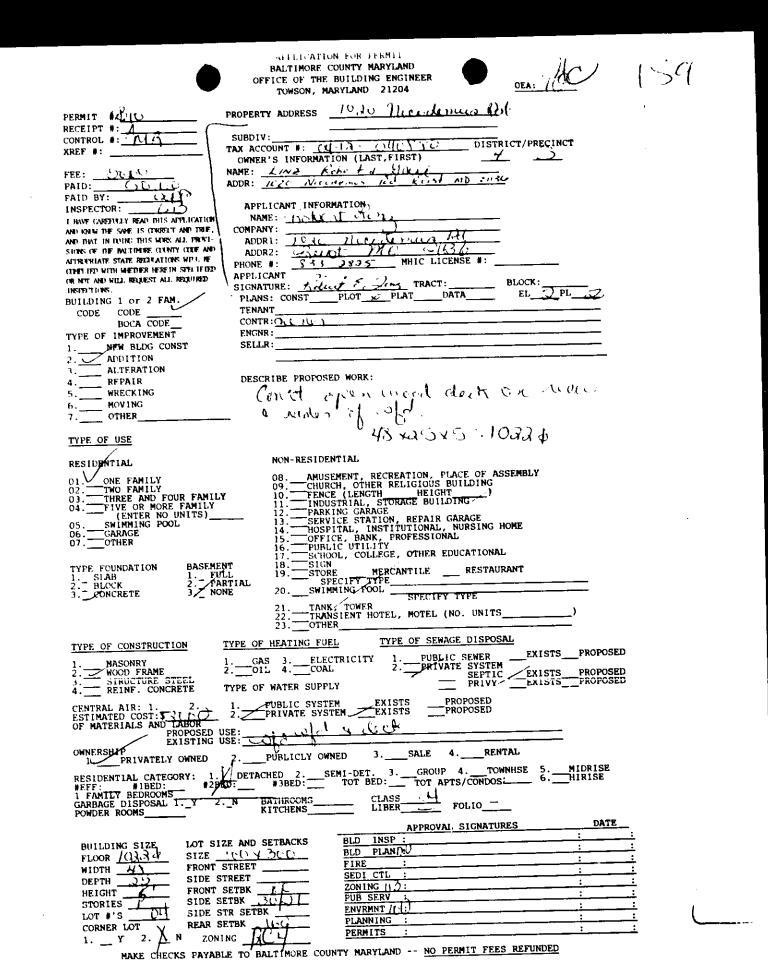
1) Your property will be posted on or before October 20, 1991. The closing date is November 4, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



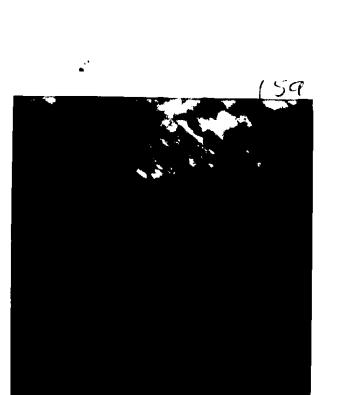


92-148-A

92-148-A

PETITIONER'S EXHIBIT#





IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE

NE/S Nicodemus Road, 1600' +/W of Berryman's Lane * DEPUTY ZONING COMMISSIONER

(1020 Nicodemus Road)
4th Election District * OF BALTIMORE COUNTY

3rd Councilmanic District * Case No. 88-494-A

Robert E. Linz, Jr.

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner herein requests a variance to permit a single family dwelling to be constructed on a lot of less than 3 acres; to permit the creation of a lot with less than the minimum 300 feet diametral distance; and to permit side yard setbacks of 28 feet and 36 feet in lieu of the required 50 feet, respectively, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1010 W.

Nicodemus Road, consists of .7 acres, plus or minus, and is zoned R.C. 4.

The Petitioner testified that his grandmother transferred the property to him a little over a year ago. Mr. Linz testified that he currently lives in the adjoining property with his parents. He proposes constructing a home on the subject property for himself and his wife, who are expecting a baby.

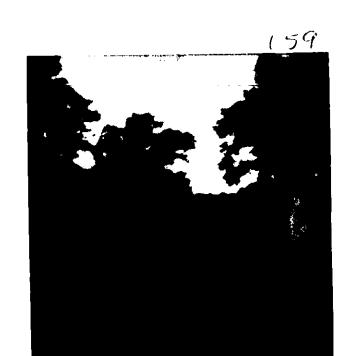
Due to the size of the property, the Petitioner cannot build a home that meets the current setback requirements and/or minimum lot acreage requirements. The Petitioner testified and submitted evidence that the lot-size today is the same size and dimensions as it was prior to

92-148-A

92-148-A

PETITIONER'S EXHIBIT#





Subdivision name:	#,section#		MD 21 bill pages 5	.1	Received the second
OWNER: Robert E. Li	12	42	-140	A	,
	ExisTiac Dwarring F 5001	ort organic	-148 Atting	if #1	Dicone 3. 3 Reliable
ORALEL DRIVEWAY	<u> </u>	Σ <u>ο</u> 2 ε' w	33.96'		Vicinity Map scale: 1'=1000'
N. C.		or so derk		P Council	OCATION INFORMATION INFORMATION IN INTERPRETATION INTERPRETATION IN INTERPRETATION IN INTERPRETATION INTERPRETA
- loo,	EXISTING EXISTING NUMBER DOLL FRONT FRONT POTCH POTCH TOTO	150'		1°=200°	scale map#:D-I NW
	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	186 60 8 N 42- 28'E	28 5 .96		SEWER: WATER:
Vo' -	The Control of the Co			Prior 2	peake Bay Critical Area: The Coning Hearings: 88-494-A 1988 granter Rack Carlance 28
North	8 8 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	xer ^x c		Zoni	ng Office USE ONL
date: 9 25 91 prepared by: ₹€€.	ŠScale of I	Drawing: 1"= <u>_</u>	20'	7	139

CASE NUMBER 92-148-A

PETITIONER'S EXHIBIT#

15

Robert & Gail Linz, owners of a single family dwelling located at 1020 Nicodemus Rd. Reisterstown, MD 21136, are proposing to build an open wood deck with side set backs of 30' & 20', along with a rear set back of 150'.

Both ajoining neighbors have reviewed the building proposal.

1018 Nicodemus Rd.- Mr. & Mrs. Robert E. Linz

t approve disapprove

1024 Nicodemus Rd. - Mr. David Murphy

Approve ____ disapprove _____// Journal of the state of t

September ____ , 1991

